

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIC RICHMANN,**

**Plaintiff,**

**v.**

**No. 20-cv-0594 KG/SMV**

**BNSF RAILWAY COMPANY,**

**Defendant.**

**ORDER**

THIS MATTER is before the Court on Plaintiff's Motion to Quash Defendant BNSF Railway Company's Subpoenas [Doc. 60] and Plaintiff's Memorandum in Support of the Motion [Doc. 61] (collectively, "Plaintiff's Motion to Quash"), filed on October 14, 2021. *See* Fed.R.Civ.P. 45(d)(3). Defendant filed a response [Doc. 66] on October 28, 2021, and Plaintiff filed a Reply [Doc. 69] on November 4, 2021. The Court heard oral argument on the Motion to Quash on December 6, 2021. On consideration of the briefing, oral argument, relevant portions of the record, and relevant law, and being otherwise fully advised in the premises, the Court will GRANT the Motion to Quash in part and RESERVE RULING in part.

**IT IS ORDERED** that Plaintiff's Motion to Quash Defendant BNSF Railway Company's Subpoenas [Doc. 60] is GRANTED in PART. Defendant's subpoena to the Mind Research Network is hereby QUASHED in its entirety and Defendant's subpoena to Mindset Integrated Companies is hereby QUASHED as to Defendant's request for the materials listed in paragraph 1 of Exhibit A to the subpoena. *See* [Doc. 61-2] at 2, and at 11, ¶ 1.

**IT IS FURTHER ORDERED** that Plaintiff shall file of record, **no later than December 20, 2021**, 1) an affidavit by Quantify stating that the only materials Quantify relied on in producing its report were the imaging studies conducted on June 17, 2021, and 2) an affidavit by Plaintiff's counsel stating that all the imaging studies conducted on June 17, 2021, were produced to Defendant.

**IT IS FURTHER ORDERED** that Plaintiff shall provide to the Court for in camera review a copy of all materials responsive to Defendant's request for "[a]ll communications, retainer agreements, engagement contracts, payments, and/or bills by and between Mindset Integrated Co and any attorney for Mr. Richmann, including without limitation, Potroff & Karlin and/or Henry Cabrera." *See* [Doc. 61-2] at 11, ¶ 2. All materials sent to the Court must be Bates stamped and received by the Court **no later than December 20, 2021**.

The Court RESERVES RULING on Defendant's request for the materials listed in paragraph 2 of Exhibit A to the subpoena issued to Mindset Integrated Companies pending completion of the Court's review of those materials.

. **IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
United States Magistrate Judge